Thus, Appellant's evidence showing that CTLs recognize, i.e, bind to target cancer cells is sufficient evidence for those skilled in the art that the claimed peptide vaccine works as claimed - it inhibits the growth and/or kills target cancer cells. The Board erred in concluding that Appellant's data "show only that anti-recognin binds to glioma cells; they do not show that the binding of anti-Recognin had any effect on the cells whatsoever." The Board further stated that Appellant must show that "anti-Recognin must do more than bind to cancer cells in vivo; it must kill them or at a minimum stop them from growing further." That is precisely what Appellant's data show. That is precisely what one of skill in the art would understand from an analysis of Appellant's data. Indeed, it is precisely what those skilled in the art use to demonstrate killing and/or inhibition of cancer cells. The Board cannot require more than is accepted by those of ordinary skill in the art.
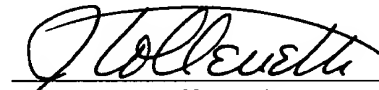
## III.    Conclusion

It is respectfully submitted that had the Board considered the prior art of record and construed the claims to properly include methods and compositions for treating cancer that are demonstrated by data accepted by those of skill in the art , it would not have concluded that the claimed invention is not enabled. It is submitted that the specification discloses the manner and process of making the claimed invention sufficient to meet the requirements of 35 U.S.C. § 112, first paragraph.

The Office is hereby authorized to charge any fees under 37 C.F.R. § 1.16 or § 1.17 or credit any overpayment to Deposit Account No. 11-0600.

Respectfully submitted,

KENYON & KENYON

Date:  _January 30, 2001_

Judith L. Toffenetti
Reg. No. 39,048

1500 K Street, N.W., Suite 700
Washington, DC   20005
(202) 220-4200 (Telephone)
(202) 220-4201 (Facsimile)

6